

DISTINGUISHED MEMBERS OF THE SUBCOMMITTEE ON AFRICA,
GLOBAL HUMAN RIGHTS & INTERNATIONAL OPERATIONS.

On May 24, 1993, at around 15:45, Cardinal Juan Jesus Posadas Ocampo, his chauffeur Pedro Pérez Hernández and five other people were shot to death in the airport of Guadalajara, Jalisco, Mexico.

More than 12 years have elapsed since the facts and the investigation accomplished by the Attorney General's Office of Mexico has so far not been satisfactory for the Mexican society. Instead, a feeling of concern for the complete clarification of the facts and for a fair trial of the people involved in the murder remains in the nation.

The Attorney General's Office of Mexico has handled various hypotheses which have been changed every time that the community has demanded the clarification of the facts. At first it was declared that Cardinal Posadas died in a crossfire, that is, that his car was caught the middle of two drug trafficking gangs firing at each other. Afterwards the agency maintained that the Cardinal was murdered after being coincidentally mistaken for drug lord "Chapo" Guzmán; a third hypothesis was that the Cardinal had supposedly been mistaken for Guzmán's bodyguard, and still a subsequent one that it had been his car which had been mistaken for Guzmán's car.

The last hypothesis was described by the prosecutor's office as follows: "A circumstantial homicide due to chaos and confusion generated by a confrontation between drug trafficking bands".

Doctor Mario Rivas Souza, forensic physician of the State of Jalisco who examined the Cardinal's body, stated since the day of the assassination that Cardinal Posadas had received 14 impacts at very close range (less than a meter or three feet) so that the shooting even left a stain of gunpowder on his chin due to the short distance.

The Cardinal's car was stopped and the Cardinal was exiting the vehicle when he was shot repeatedly; his driver Pedro Pérez Hernández received 10 impacts and the vehicle was hit with 52 bullets shot at a distance of less than one meter.

The investigation accomplished after the assassination by the General Prosecutor's office of Mexico and by the General Prosecutor's office of the State of Jalisco was hurried, deficient, manipulated and guided from the beginning to provide evidence on the thesis of confusion.

We are witnessing a real state crime, since there has been concealment and serious defects in the investigation, as well as irregularities in the process. In addition to that, there exist groups of power in complicity with the murderers,

groups that continue acting so that these facts remain unpunished and the truth never reaches the public light.

In 1999, the then General Prosecutor's office of Mexico and the General Prosecutor's office of the State of Jalisco concluded, after analyzing the evidence on the case, that the attack against Cardinal Posadas Ocampo was indeed direct and at close range, and that its vehicle was not in the middle of crossfire by two gangs, thus discarding the hypothesis maintained for six years.

From the first day of the investigation there were numerous irregularities within the preliminary investigation, and none of the authorities involved was concerned about investigating about the person or persons who committed them and why, in spite of the evidence included in the proceedings that proved that these irregularities had indeed occurred. Neither was the investigating authority (the Public Ministry) interested in knowing the reason why these irregularities were committed; this deficiency of investigation further encouraged the impunity of their authors.

Several of these irregularities were committed in the investigation during Attorney General of Mexico Jorge Carpizo's term, who was also responsible for another extremely serious wrongdoing: he didn't undertake any action to arrest drug lord Ramón Arellano Félix (who was at the time wanted by the authorities) when he obtained information about the drug trafficker being in the Apostolic Nunciature in December 1993. This information was provided by the then President Carlos Salinas de Gortari, who had received it in turn from Nuncio Girolamo Prigione. Twenty-one Representatives of the State Congress of Jalisco filed the corresponding charges before the Attorney General's Office of Mexico.

The Attorney General's Office of Mexico resolved to close the proceedings on these charges in spite of the fact that it recognized that offenses against the Justice Administration had been committed. A Federal Penal Judge of Protection (Juez Penal Federal de Amparo) conceded an "amparo" (guarantee of protection against the action of law) against the closure, ordering the Attorney General's Office to go forward with the investigation. After a declaration by former president Carlos Salinas de Gortari, the then Attorney General Jorge Carpizo appealed for review. In February 2006, as an additional action among the maneuvers to block the investigation, a Collegiate Court revoked the guarantee of protection without further inquiry, arguing that the Congress Representatives could not file charges against the closure of the investigation on the Attorney General's Office behavior, since they didn't hold any direct legal interest in the case.

Twelve years after the murder there are no convicted material authors because on February 3rd 2006 the High Court of Justice of Jalisco annulled the sentence against the alleged material authors of the crime, ordering instead the reinstatement of the proceedings on grounds that the process was plagued with irregularities and legal violations. The first suspect arrested in the case, Jesus

Alberto Bayardo Robles, a.k.a. "El Gory" has not been tried yet.in these legal proceedings.

The current Attorney General Daniel Cabeza de Vaca Hernández is an honest man without any link to the mafias of organized crime. He intends to continue with the investigation, so he has already sent two petitions to the Department of Justice of the United States for the authorization to interrogate Juan García Ábrego and Everardo Arturo Páez Martínez a.k.a. Kitty Páez.

It is important to emphasize that the most probable reason why Cardinal Posadas was murdered hints to the information in his hands about prostitution and drug trafficking syndicates that included in their payrolls some high-profile politicians of our country, Mexico. The Cardinal would have then been able to pass this information to the Vatican or to other international instances.

In the days before his homicide the Cardinal was followed, his telephones were intercepted, there was surveillance (or rather stalking) outside his house and he himself was subjected to a severe condition of stress inflicted by the same people who would eventually murder him.

Knowing the truth about this murder and clarifying such a magnicide would indeed contribute to strengthening the credibility of the institutions in Mexico. Otherwise, such confidence would be weakened. If a Cardinal is deprived of his life and the real criminals are not found in spite of all the numerous petitions filed to our authorities by Cardinals worldwide and even by the Pope John Paul II, impunity will prevail and the expectations of thousands of ordinary Mexicans who daily suffer criminal activities will be demolished.

All the previous reasons encourage us to petition for the authorization to take the statements requested by the Attorney General's Office of Mexico from the Department of Justice. We also call for Jesus Alberto Ballardo Robles's return to Mexico to be tried, since these steps will greatly contribute to the cause of Justice and Human Rights in our country.

Thursday 6 of April 2006

Fernando A. Guzmán Pérez Peláez